

**Chapter 16.60****LOCAL PARK DEVELOPMENT FEES****Sections:**

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**Section 16.60.010 Purpose.**

The purpose of the Local Park Development Fee is to enable the acquisition and/or development and/or improvement of neighborhood and community parks to provide both passive and active recreational opportunities to the residents of the City of Riverside in order to improve the quality of life and for the public health, welfare and benefit. New development within the City generates a need for added facilities and an increased demand upon existing facilities, and the imposition of a Local Park Development Fee upon such new development is necessary to provide funding for such new or improved facilities meeting established standards for such new development. (Ord. 6393 § 41, 1997; Ord. 6325 § 1, 1996; Ord. 5390 § 1, 1986; Ord. 5018 § 2, 1982; Ord. 4834 § 1, 1980; Ord. 4325 § 2 (part), 1976)

**Section 16.60.015 Use of fee.**

The Local Park Development Fee imposed pursuant to the provisions of this chapter is to finance the acquisition and/or development and/or improvement of neighborhood and/or community parks as identified in the City of Riverside General Plan as adopted by the City Council and as may be amended from time to time and in accordance with the Capital Improvements Program as may be approved and adopted by the City Council. (Ord. 6393 § 41, 1997; Ord. 6325 § 1, 1996)

**Section 16.60.020 Determinations.**

The imposition of a Local Park Development Fee is necessary to provide funding for the acquisition and/or development of new parks and the expansion and/or improvement (including rehabilitation) of existing parks in order to provide adequate neighborhood and community parks benefitting the development upon which the fee is imposed. The amount of the Local Park Development Fee is to be calculated based upon the following adopted minimum standards: that the public interest, convenience, health, welfare and safety requires the provision of three acres of local parks per thousand population, consisting of 0.75 acres of Community Park per thousand population and 2.25 acres of Neighborhood Park per thousand population. (Ord. 6393 § 41, 1997; Ord. 6325 § 1, 1996)

### **Section 16.60.025 Definitions.**

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them below:

1. "Duplex" means a building under one roof designed for or occupied exclusively for two families, living independently of each other.

2. "Dwelling unit" is as defined in Title 19 of this Code and also includes a manufactured dwelling unit as defined in said Title 19.

3. "Mobile home" is as defined in Title 19 of this Code.

4. "Multiple-family dwelling unit" means any dwelling unit contained in an apartment house designed for or occupied by five or more families, living independently of each other, or any dwelling unit located in a planned residential development having a density exceed six and one-half units per acre.

5. "New dwelling unit" means any increase in the number of dwelling units, as defined above, over the number existing on any lot on September 7, 1976.

6. "New mobile home" means the first placement of a mobile home on a lot or mobile home space on or after September 7, 1976.

7. "Nonresidential unit" means any structure, except an accessory building, which is planned or constructed primarily for a nondwelling use.

8. "Single-family dwelling unit" means a single-family dwelling unit or a manufactured dwelling unit as each are defined in Title 19 of this Code, or any dwelling unit located in a planned residential development having a density of six and one-half units per acre or less.

9. "Quadplex" means a building under one roof designed for or occupied exclusively for four families, living independently of each other.

10. "Triplex" means a building under one roof designed for or occupied exclusively for three families, living independently of each other.

11. "Turn Key Park" means the fully developed and improved land to be conveyed to City by a developer for a neighborhood or community park, improved with both on-site and off-site improvements to the standards of the City for a neighborhood or community park and including all the improvements required by the Park and Recreation Director for acceptance of such improved land into the City's public park system as a fully functioning park without the necessity of further City improvements.

12. "Park and Recreation Director" means the Parks, Recreation and Community Services Director. (Ord. 6926 § 1, 2007; Ord. 6832 § 3, 2005; Ord. 6393 § 41, 1997; Ord. 6325 § 1, 1996; Ord. 5111 §§ 3, 4, 5, 1983; Ord. 5018 §§ 3, 4, 5, 1982; Ord. 4834 § 2, 1980; Ord. 4325 § 2 (part), 1976)

### **Section 16.60.030 Local park development fee required.**

A Local Park Development Fee is hereby imposed on the construction or placement of all nonresidential units, new dwelling units and new mobile homes in accordance with the schedule of fees that may be established by the City Council by resolution. No fee shall be assessed on any governmental use by the city, county, state or federal government. (Ord. 6393 § 41, 1997; Ord. 6325 § 1, 1996; Ord. 5111 § 6, 1983; Ord. 5018 § 6, 1982; Ord. 4834 § 3, 1980; Ord. 4531 § 1, 1978; Ord. 4367 § 1, 1977; Ord. 4325 § 2 (part), 1976)

### **Section 16.60.035 Dedication and/or improvement in lieu of payment of local park development fee.**

In lieu of payment of all or a portion of the Local Park Development Fee, the following may be accepted by the City Council:

A. Dedication. In lieu of payment of all or a portion of the Local Park Development Fee, land may be dedicated to the City of Riverside for park and recreational purposes as hereinafter

provided. Whenever a developer determines to dedicate land in lieu of payment of the Local Park Development Fee, a written application shall be made to the Park and Recreation Director describing the property to be dedicated and the development to receive credit for the Local Park Development Fee. The Park and Recreation Director shall confer with the Planning Director and the Real Property Services Manager and shall prepare a report to the City Council regarding the proposed dedication. The value of the property to be dedicated shall be determined in the same manner as the then current calculation of the average cost of parkland for the Local Park Development Fee unless the Park and Recreation Director makes a finding that the property proposed to be dedicated is unique, and in that event, the Park and Recreation Director shall cause an appraisal to be prepared for such property.

The report to the City Council from the Park and Recreation Director shall indicate whether the following requirements have been met and shall make a recommendation regarding the proposed dedication:

1. The property proposed to be dedicated is shown on the current City of Riverside General Plan as a neighborhood or a community park.

2. The property being dedicated meets the minimum size standard set forth in the current City of Riverside General Plan for the type of park designated and is large enough and topographically suitable to be developed for its proposed park and recreational use without the acquisition of additional land, except that less land or less than topographically-suitable land may be accepted when the land being dedicated in lieu of the Local Park Development Fee, taken together with land the City already owns or is in the process of acquiring for park and recreational purposes meets the requirements of this paragraph. The requirements of this paragraph may also be met when a dedication taken together with one or more other dedications meets the requirements.

3. The property being dedicated is valued at the same or more than the Local Park Development Fee or portion thereof which would otherwise be imposed on the development.

The City Council may accept or deny the dedication of land in lieu of payment of all or a portion of the Local Park Development Fee. If the property being dedicated is accepted by the City Council in lieu of payment of all or a portion of the Local Park Development Fee, the City Council shall by resolution make the findings and determinations required hereinabove and state the equivalent amount of the fees credited in which the dedication is in lieu. Such amount may be less than the appraised value of the property as determined by the City Council.

The credit for the dedication in lieu of payment of the Local Park Development Fee shall not be given until such time as the property is conveyed to the City of Riverside free and clear of any liens or of any encumbrances which in the reasonable determination of the Park and Recreation Director could impede the use of the property for public park purposes.

B. Turn Key Park. In lieu of payment of all or a portion of the Local Park Development Fee, land improved for park purposes may be dedicated to the City of Riverside for park and recreational purposes as hereinafter provided. Whenever a developer determines to dedicate improved land in lieu of payment of the Local Park Development Fee, a written application shall be made to the Park and Recreation Director describing the property to be dedicated, the improvements constructed or to be constructed and the development to receive credit for the Local Park Development Fee together with the value of the property and the estimated costs for the construction of the improvements based upon the costs used in the determination of the then current Local Park Development Fee, if applicable, or as otherwise negotiated and agreed upon by the Park and Recreation Department. If the Park and Recreation Director makes a finding that the property proposed to be dedicated is unique, the Park and Recreation Director shall cause an appraisal to be prepared for such property.

The Park and Recreation Director shall confer with the Planning Director and the Real Property Services Manager and shall prepare a report to the City Council regarding the proposed dedication of the improved land. The report shall indicate whether the following

requirements have been met and shall make a recommendation regarding the proposed dedication:

1. The property being dedicated is shown on the current City of Riverside General Plan as a neighborhood or community park.

2. The property being dedicated meets the minimum size standard set forth in the current City of Riverside General Plan for the type of park designated and is large enough and topographically suitable to be developed for its proposed park and recreational use without the acquisition of additional land except that less land or less than topographically-suitable land may be accepted when the land being dedicated in lieu of the Local Park Development Fee, taken together with land the City already owns or is in the process of acquiring for park and recreational purposes meets the requirements of this paragraph. The requirements of this paragraph may also be met when a dedication taken together with one or more other dedications meets the requirements.

3. The improvements installed or proposed to be installed are equal to or greater than those required by the Park and Recreation Department for a neighborhood or community park, whichever is applicable.

4. The property being dedicated in its improved form is valued at the same or more than the Local Park Development Fee or portion thereof which would otherwise be imposed on the development.

If the developer proposes to delay the conveyance of the Turn Key Park to the City until after the issuance of the building permits for the development to be granted credit, the report to the City Council shall be accompanied by an agreement in recordable form executed by all parties having an interest in the land and improvements proposed to be conveyed to the City and approved as to content by the Park and Recreation Director setting forth the percentage or number of residences in such development which may be built and issued certificates of occupancy prior to the conveyance of the Turn Key Park to the City.

The City Council may accept or deny the dedication of the Turn Key Park in lieu of payment of all or a portion of the Local Park Development Fee. If the improved property being dedicated is accepted by the City Council in lieu of payment of all or a portion of the Local Park Development Fee, the City Council shall by resolution make the findings and determinations required hereinabove and state the equivalent amount of the fees to be credited. Such amount may be less than the appraised value of the improved property.

The credit for the dedication shall not be given until such time as one of the following occurs: (i) the improvements have been completed and found acceptable by the Park and Recreation Director or the authorized designee of the Director and the property is conveyed to the City of Riverside free and clear of any liens or of encumbrances which in the reasonable determination of the Park and Recreation Director could impede the use of the property for public park purposes; or (ii) the recordation in the office of the County Recorder of Riverside County of an agreement signed by all parties having an interest in the property to be conveyed for park purposes agreeing to convey such to the City free and clear of any liens or of encumbrances which in the reasonable determination of the Park and Recreation Director could impede the use of the property for public park purposes and to fully improve such land prior to such conveyance with the improvements as required by City as set forth in said agreement and setting forth the percentage or number of residences in such development which may be built and issued certificates of occupancy prior to the conveyance of the Turn Key Park to the City, which agreement shall be subject to the approval of the Park and Recreation Director and the City Attorney, and shall be accompanied by a security in a form acceptable to the City Attorney for the performance of such agreement payable to City in case of default in the amount of the credit to be given.

C. Improvement of Existing Park Land. In lieu of payment of all or a portion of the Local Park Development Fee, City land may be improved for park and recreational purposes as

hereinafter provided. Whenever a developer determines to improve park land in lieu of payment of the Local Park Development Fee, a written application shall be made to the Park and Recreation Director indicating the property to be improved, describing the improvements to be constructed and the development to receive credit for the Local Park Development Fee together with an estimate of the costs for the construction of the improvements based upon the costs as utilized in the calculations for the then current Local Park Development Fee. The Park and Recreation Director shall prepare a report to the City Council regarding the proposed improvements. The report shall indicate whether the following requirements have been met and shall make a recommendation regarding the proposed dedication:

1. The property proposed to be improved is shown on the current City of Riverside General Plan as a neighborhood or community park.

2. The property proposed to be improved meets the minimum size standard set forth in the current City of Riverside General Plan for the type of park designated and is large enough and topographically suitable to be developed for its proposed park and recreational use without the acquisition of additional land.

3. The improvements proposed to be installed are equal to or greater than those required by the Park and Recreation Department for a neighborhood or community park, whichever is applicable.

4. The estimated cost of the improvements is valued at the same or more than all or a portion of the Local Park Development Fee which would otherwise be imposed on the development.

The City Council may accept or deny the application for improving park land in lieu of payment of all or a portion of the Local Park Development Fee. If the proposal is accepted by the City Council in lieu of payment of all or a portion of the Local Park Development Fee, the City Council shall by resolution make the findings and determinations required hereinabove and state the estimated equivalent amount of the fees to be credited.

The credit for the improvements towards the Local Park Development Fee shall not be given until such time as the improvements have been completed and found acceptable by the Park and Recreation Director or the authorized designee of the Director.

D. Specific Plan Methods. In lieu of payment of all or a portion of the Local Park Development fees in connection with development in an area of the City within a Specific Plan combining zone and subject to a Specific Plan duly adopted by the City Council of the City of Riverside, a developer may request approval to use the methods for consideration of local park fee credits stated in the approved Specific Plan by filing a written application with the Park and Recreation Director. The Park and Recreation Director shall confer with the Planning Director and the Real Property Services Manager and shall prepare a report to City Council regarding the proposed credit methods to be used. The report shall indicate the value of the proposed credit methods and shall contain a recommendation regarding the proposed use of such methods, as well as, if applicable, a statement of whether the requirements set forth in Section 16.60.035(A)(1)-(3) have been met.

The City Council may approve or deny the application to use the proposed methods for consideration of local park fee credits. If the City Council approves use of the proposed credit methods in lieu of payment of all or a portion of the Local Park Development fees, the City Council shall by resolution make the findings and determinations required hereinabove and state the equivalent amount of fees credited for each approved method. Some amounts may be less than the appraised values as determined by the City Council.

The credits in lieu of payment of all or a portion of the Local Park Development fees shall not be given until such time as one of the following occurs: (1) the Park and Recreation Director reasonably determines that any and all improvements, dedications and/or open space considered for local park fee credits are readily available for park uses and there is no impediment to fulfilling the City's intent in allowing use of the approved credit methods in lieu of

payment of all or a portion of the Local Park Development Fees; or (2) an agreement satisfactory to the Park and Recreation Director and signed by all parties having an interest in the subject property is recorded in the office of the County Recorder of Riverside County ensuring that the park for which the credits were approved will be implemented. (Ord. 6543 § 1, 2000; Ord. 6393 § 41, 1997; Ord. 6325 § 1, 1996; Ord. 5390 § 2, 1986; Ord. 5042 § 1, 1982)

#### **Section 16.60.040 Payment of fees.**

Fees required by this chapter shall be paid prior to the issuance of a building permit or a mobile home set up permit for any construction or placements which adds a nonresidential unit, new dwelling unit or new mobile home to any lot or mobile home space. No building permit or mobile home set up permit shall be issued until such fees are paid. (Ord. 6393 § 41, 1997; Ord. 6325 § 1, 1996; Ord. 5111 § 7, 1983; Ord. 5018 § 7, 1982; Ord. 4325 § 2 (part), 1976)

#### **Section 16.60.045 Exemption from fees.**

The following types of development shall not be required to pay the development fee for local parks:

1. The construction of any dwelling to be used exclusively for housing the elderly or handicapped persons and financed by the federal government and owned and operated by a non-profit corporation entitled to the welfare exemption provided for in Section 4b of Article XIII of the State Constitution.

2. Non-residential development which replaces on the same lot previously existing non-residential development, not to exceed the square footage of the replaced development.

3. Residential development which replaces on the same lot previously existing residential development, unit for unit, of the same type.

4. Rehabilitation or remodeling of existing non- residential development which does not add new square footage.

5. Rehabilitation or remodeling of existing residential development which does not add new dwelling units.

6. The construction of an accessory building as defined in Title 19 of this Code, excluding second dwelling units. (Ord. 6926 § 2, 2007; Ord. 6393 § 41, 1997; Ord. 6325 § 1, 1996; Ord. 4649 § 1, 1979)

#### **Section 16.60.050 Use of funds.**

A Special Capital Improvement Fund shall be established in which the Local Park Development Fees collected pursuant to this chapter shall be deposited. The funds shall be expended solely for the acquisition and/or development and/or improvement of neighborhood or community parks in general conformance with the priorities established by the City of Riverside General Plan. (Ord. 6393 § 41, 1997; Ord. 6325 § 1, 1996; Ord. 5390 § 3, 1986; Ord. 4325 § 2 (part), 1976)

#### **Section 16.60.060 Appeals.**

Any person aggrieved by the computation of fees pursuant to this chapter shall have the right to appeal to the Planning Commission. The appeal shall be taken not later than thirty days from the date the person is informed of the computation of the fees under this chapter. Failure to appeal within the thirty-day period shall be deemed a waiver of all rights of appeal under this chapter. (Ord. 6462 § 20, 1999; Ord. 6393 § 41, 1997; Ord. 6325 § 1, 1996; Ord. 5018 § 8, 1982; Ord. 4325 § 2 (part), 1976)

**Section 16.60.070 Severability.**

If any section, sentence, clause, or phrase of this chapter is for any reason held to be invalid by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have adopted this chapter, and each section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid. (Ord. 6393 § 41, 1997; Ord. 6325 § 1, 1996)